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MIRABEAU BUONAPARTE LAMAR

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CHAPTER IV

FRONTIER DEFENCE

I. Relations with Miscellaneous Indian Tribes

In order to make clear the policy of Lamar in dealing with the Indians, it will be necessary to discuss in some detail the methods used by his predecessors in attempting to keep the peace. It will not be necessary, however, to give a detailed history of the various tribes which occupied Texas. It will suffice at this point to say that the usual classification used during the days of the Republic depended upon the degree of civilization adopted, and the terms "Wild Indians" and "Civilized Indians" were considered as sufficiently descriptive. Another grouping that was made was the indigenous and immigrant, the latter term meaning the more civilized tribes which had come from the United States, and including the Cherokee and associated bands.¹

There was an Indian question in Texas from the time that the first Anglo-Americans began to arrive. For a dozen years after Austin brought his first colonists to Texas, the chronicles are full of Indian atrocities. The year 1832, Yoakum tells us, was the first in which the settlers had not been attacked often by the Indians, and their failure to attack that year was due to the fact that the Comanches and Shawnees had had a great battle in which so many were killed that they were unable to undertake a war against the whites.² In April, 1833, a convention met at San Felipe to petition for a separation of Texas and Coahuila. It was asserted that Texas was such a great distance from the center of government that no adequate means of protection against the Indians presented themselves, and this was considered a sufficient reason for the establishment of a separate state government for

¹H. E. Bolton, *Athanase de Mézières and the Louisiana-Texas Frontier, 1768-1780*, pp. 17-122, has an extensive discussion of the indigenous Indians of Texas. T. M. Marshall, *A History of the Western Boundary of the Louisiana Purchase*, 124-140, is a convenient brief account of the location and history of the tribes.

²Yoakum, *History of Texas*, I, 310.

Texas. The memorial forwarded to Congress by the Convention, which closed April 13, 1833, is a gloomy one. It was written by David G. Burnet. After enumerating many evils from which the people were suffering, due to the lack of a strong local government, it declared:

We do not mean to attribute these specific disasters to the union with Coahuila, for we know they transpired long anterior to the consummation of that union. But we do maintain that the same political causes, the same want of protection and encouragement, the same mal-organization and impotency of the local and minor faculties of the government, the same improvident indifference to the peculiar and vital interests of Texas, exists *now* that operated then. Bexar is still exposed to the depredations of her ancient enemies, the insolent, vindictive, and faithless Comanches. Her citizens are still massacred, their cattle destroyed or driven away, and their very habitations threatened, by a tribe of erratic and undisciplined Indians, whose audacity has derived confidence from success, and whose long-continued aggressions have invested them with a fictitious and excessive terror. Her schools are neglected, her churches desolate, the sounds of human industry are almost hushed, and the voice of gladness and festivity is converted into wailing and lamentation, by the disheartening and multiplied evils which surround her defenceless population. Goliad is still kept in trepidation; is paralyzed in all her efforts for improvement; and is harassed in all her borders by the predatory incursions of the Wacoos, and other insignificant bands of savages, whom a well-organized local government would soon subdue and exterminate.³

Santa Anna, who was, in effect, dictator in Mexico when Stephen F. Austin presented this memorial, refused the request, imprisoned Austin, and in October, 1834, announced his purpose to send four thousand troops to San Antonio, "for the protection of the coast and frontier."⁴ In March, 1835, Congress decreed the reduction of the militia throughout the Republic to one man for every five hundred inhabitants, and the disarming of the remainder.

Troops dispatched to Texas began to arrive early in 1835, and conflicts with the settlers soon began. At Anahuac a collector, backed by a small body of troops, attempted to collect tariff duties, which the Texans resented.⁵ This situation, together with the

³Yoakum, *History of Texas*, I, 475.

⁴E. C. Barker, in *Texas Historical Association Quarterly*, VII, 250; Brown, *History of Texas*, I, 275.

⁵Barker, *op. cit.*, 250.

hostility of the Indians throughout the year, led to the creation of committees of safety and correspondence, which led to the calling of the Permanent Council in October. The Columbia committee wrote to J. B. Miller, the political chief of the Brazos Department suggesting that each municipality be required to furnish twenty-five men for use in an Indian campaign, to which Miller replied that he was already taking steps to punish the Indians.⁶ The committee of San Felipe issued a circular on September 13, in which it was stated that the committee considered it important that the just and legal rights of the civilized Indians should be protected, "but not having any certain information on the subject, they can only recommend it to your consideration."

The spirit exhibited in the letter of the San Felipe committee of safety became the spirit of the Permanent Council, and was adopted by each of the revolutionary bodies that governed Texas until March, 1836. The Permanent Council on October 18 adopted the report of a committee for appointing three commissioners to the civilized Indians. The commissioners appointed were Peter J. Menard, Jacob Garrett, and Joseph L. Hood. Several of the Indian chiefs had been invited to convene with the whites in their Consultation for the purpose of having their claims to lands properly adjusted by that body, but they failed to attend, and the three commissioners were therefore instructed to proceed to their villages and ascertain the cause of their grievances, and to assure them that their case would receive prompt attention as soon as the Consultation should reconvene. "This committee are of the opinion," said the report,

that there have been unwarrantable encroachments made upon the lands occupied by the said Indians; therefore be it resolved by the permanent council of Texas now in session, that Peter J. Menard, Jacob Garrett, and Joseph L. Hood, be appointed commissioners for the purpose of holding consultations with the different tribes of Indians, and giving them such assurances as may be necessary for the advancement of their rights and privileges as citizens of Texas, and for the purpose of transacting such other business as may be necessary to promote the cause of the people of Texas.

"Texas Revolutionary Documents," in *Southern Historical Association Publications*, VII, 89, 90.

⁶*Ibid.*, VIII, 20.

It was made the duty of the commissioners to co-operate at all times with the local committees of safety.⁸

At the same time, however, the Permanent Council provided a system of ranger service to keep the Indians in check. On October 17 a resolution was adopted authorizing Silas M. Parker to employ and superintend twenty-five rangers to guard the frontiers between the Brazos and Trinity rivers; Garrison Greenwood was authorized and required to employ and superintend ten rangers on the east side of the Trinity; and D. B. Fryar to employ twenty-five rangers for service between the Brazos and Colorado rivers. A committee of five men was appointed to report on the details of this scheme. The committee reported on the same day, and their report was adopted by the Council. The superintendents of the rangers from the Colorado to the Brazos and from the Brazos to the Trinity were to make their place of rendezvous at the Waco village, on the Brazos; those on the east of the Trinity were to rendezvous at Houston. The superintendents were to be vigilant in carrying the provisions of the resolution into effect, and were to have the authority to contract for ammunition, and to draw on the general council for payment. The companies were to select officers, whose duty it was to make reports to the superintendents every fifteen days, and the superintendent was to report to the General Council every thirty days. The companies ranging from the Colorado to the Brazos and from the Brazos to the Trinity were to rendezvous at the Waco village every fifteen days unless engaged in pursuing Indians, and the companies were to unite whenever their officers considered it necessary. Finally, the officers were to be "particular not to interfere with friendly tribes of Indians on our borders."⁹

The Consultation, which succeeded the Permanent Council on November 3, took further steps to secure the good will of the Indians. On the day before it adjourned a resolution was adopted in which the claims of the Indians to the lands they occupied in East Texas was recognized, and the Governor and General Council were advised to send commissioners to form a treaty with them. On November 15, Henry Smith, who had been elected provisional governor, advised the carrying into effect of the recommendation

⁸Texas Historical Association *Quarterly*, IX, 288.

⁹"Journal of the Permanent Council," in Texas Historical Association *Quarterly*, VII, 260-262.

of the Consultation. On the 22d Smith was empowered by the General Council to appoint Sam Houston, John Forbes, and John Cameron as commissioners to the Indians. The commissioners proceeded to the village of Bowl, military chief of the Cherokees, and on February 23, 1836, a treaty was drawn up agreeable to the wishes of the Cherokees.¹⁰

During the progress of the War of Independence the western frontier was evacuated by the people before the advancing Mexican army, hence there is no record of Indian wars in the West. In the East the civilized tribes were kept quiet partly through the promises held out to them by the Permanent Council and the Consultation for a definite settlement of their claims. At the same time, however, the Texans deliberately attempted to create the impression in the minds of officers of the United States that there was danger of an Indian uprising in the East, and it was their success in this propaganda that caused General Gaines to send some United States troops to Nacogdoches in the summer of 1836. By the treaty between the United States and Mexico both nations were to undertake to keep their Indians quiet, and it was this treaty that made possible the intervention of the United States in the affairs of Texas. It is interesting to notice that the colonists had attempted to form an alliance with the Indians in the spring of 1836.¹¹

With the defeat of the Mexicans in the battle of San Jacinto, April 21, 1836, and the subsequent withdrawal of all enemy forces from Texas, those who had fled before the invaders returned to their homes. Besides, the settlers in search of new lands pushed out into territory regarded by the Indians as their hunting grounds, and the surveying parties early became an object of suspicion, the surveyor's compasses being known by the Indians as "land stealers."¹² The Indians were very troublesome and threat-

¹⁰Marshall, *A History of the Western Boundary of the Louisiana Purchase*, 139.

The relations with the Cherokees, their claims to lands in East Texas, and their final expulsion from Texas, is so different from the relations with the other Indian tribes that I shall treat it in a separate section, contenting myself here with a reference to that tribe only when they come into the natural development of the subject.

¹¹E. C. Barker, "The United States and Mexico, 1835-1837," in *The Mississippi Valley Historical Review*, I, 20, 21.

¹²W. D. Wood, "History of Leon County," in *Texas Historical Association Quarterly*, IV, 204.

ening in the latter part of 1836 and throughout 1837. President Burnet had placed Captain Robert M. Coleman in charge of a ranging force divided into three or four detachments. One detachment was on the Trinity, one at the Falls of the Brazos, one at the Three Forks of Little River, and one near the mouth of Walnut Creek on the Colorado. These detachments fought numerous battles with the Indians.

On January 7, 1837, a detachment of fourteen men and boys under Lieutenant George B. Erath fought one hundred Indians eight miles west of Cameron, killing fifteen. A short time later a battle was fought near where Austin now stands, in which the Indians were defeated. Several men were murdered at different times in Lavaca County. In Fayette County John G. Robison, a member of Congress, and his brother, who was visiting him from the United States, were killed. On the Trinity, west of Palestine, David Faulkenberry, his son Evan, and Columbus Anderson, were killed. Massacres occurred during this year at various places in East Texas.¹³

The attitude of President Houston, in spite of the evident unpopularity of that policy, was one of conciliation throughout his administration; and in the early part of his administration he had the sympathy and support of Congress. In a message to the Senate, November 6, 1836, shortly after his inauguration as President, he said,

The friendship and alliance of many of our border Tribes of Indians will be of the utmost importance to this Government, keeping them tranquil and pacific, and if need shall require it, affording us useful auxiliaries.

He suggested the advisability of entering into commercial treaties with them, and announced the appointment of commissioners to conclude articles of peace, friendship, and intercourse.¹⁴

In an act to protect the frontier, approved on December 5, 1836, the Congress took a middle ground between the advocates of extermination and conciliation. The President was required to raise, with as little delay as possible, a battalion of mounted riflemen, to consist of two hundred and eighty men for the pro-

¹³Brown, *History of Texas*, II, 129.

¹⁴*Secret Journals of the Senate of the Republic of Texas* (First Biennial Report of the Texas Library and Historical Commission), 19. Hereafter this is referred to as *Secret Journals*.

tection of the frontier. The term of service was to be twelve months. The President was also authorized to order out such number of the militia as the exigencies of the case might require. He was further directed to have such block houses, forts, and trading houses erected, as, in his judgment, might be necessary to prevent Indian depredations. And finally, it was to be the duty of the President to enter into such negotiations and treaties as might secure peace to the frontiers; he was to have power to appoint agents to live among the Indians, and to distribute presents as he deemed necessary, not to exceed in amount twenty thousand dollars.¹⁵ That no steps had been taken for the organization of the mounted battalion before the middle of the following year, is indicated by a resolution, approved June 7, 1837, authorizing the President to absent himself from the seat of government for thirty days "to organize and set on foot the corps of mounted gun men, authorized to be raised by the act passed the present session of congress for the protection of our northern frontier."¹⁶ On December 10, 1836, a joint resolution was approved authorizing and requiring the President to take such measures "as in his judgment will effect the release or redemption of our unfortunate prisoners, captured by and in the possession of hostile Indians, said to be on the waters of Red River, either by calling for and sending volunteers against said Indians, or by purchase, treaty or otherwise."¹⁷

In the spring of 1837 some Mexican agents visited the various Indians on the frontier, promising them arms, ammunition, all the booty taken, and peaceful possession of the frontier after the Americans were driven out, and by these promises many Indians were induced to join the Mexicans. Houston attempted in June to organize a mounted force for the punishment of the Indians. He ordered Lieutenant A. C. Horton, of San Augustine, to raise a force of one hundred and twenty men and as many more volunteers as were necessary to proceed against the Indians. Nothing seems to have come of this, however.¹⁸ On November 10, a body of eighteen rangers fell in with a band of one hundred and fifty hostile Indians, and after a long battle the Indians were defeated, leaving fifty dead, while the loss of the Texans was only Lieu-

¹⁵*Laws of the Republic of Texas*, I, 53-54.

¹⁶*Ibid.*, 244.

¹⁷*Ibid.*, 74.

¹⁸Yoakum, *History of Texas*, II, 228.

tenant Miles and eight men.¹⁹ That was the most serious attempt to chastise the Indians during the year.

In spite of the constant reports of Indian attacks on defenceless settlers, Houston showed by his message to Congress, November 21, 1837, that he still considered conciliation the best policy to pursue. It was of interest to the country, he said, that the relations with the Indians be placed upon a basis of lasting peace and friendship. Convinced of that truth, it had been his policy to seek every possible means to accomplish that object, and give security to the frontier; and he considered the indications more favorable than they had been at any time before Texas assumed that attitude. "Measures are in progress with the several tribes," he continued,

which with the aid of suitable appropriations by Congress, may enable us to attain the objects of peace and friendly intercourse. Apprised of these facts, it is desirable that the citizens of Texas should so deport themselves, as to become the aggressors in no case, but to evince a conciliatory disposition whenever it can be done consistently with justice and humanity. . . . The undeviating opinion of the Executive has been, that from the establishment of trading houses on the frontier (under prudent regulations), and the appointment of capable and honest agents, the happiest results might be anticipated for the country. The intercourse between the citizens and Indians should be regulated by acts of Congress which experience will readily suggest.²⁰

In carrying out this policy he insisted on the ratification by the Senate of the treaty drawn up with the Cherokees in 1836, and the running of the boundary line under that treaty.²¹ He advised the settlers to stay at home and not tempt the Indians to hostile attacks; and it was charged by a newspaper in the heat of a political campaign in 1841, that when a committee of men from Robertson and Milam Counties asked for protection for the frontier, he answered that "he hoped every man, woman and child that settled North of the San Antonio Road would be tomahawked."²²

The year 1838 was not different from the preceding year. A committee on October 12, 1837, had reported that several of the tribes of Indians were at peace, and advised the President to at-

¹⁹*Telegraph and Texas Register*, December 23, 1837.

²⁰Crane, *Life and Select Literary Remains of Sam Houston*, 292.

²¹*Secret Journals*, 35, 36, 37.

²²*Telegraph and Texas Register*, August 25, 1841.

tempt to make a treaty with the Comanches. At the same time they denied the right of the Cherokees to the land which they occupied.²³ This was not done, however, and the Comanches continued to harass the western frontier. A few instances are here given to illustrate the conditions. On August 10 Captain Henry W. Karnes with twenty-five men was attacked by 200 Comanches, and after a furious fight drove them off with a loss of twenty of the assailants. On the Rio Frio, about the same time, a surveying party was attacked, and several of the party wounded. On October 19 a surveying party seven miles west of San Antonio was attacked and the surveyors killed. In October also occurred the surveyors' fight in Navarro County, when twenty-three men fought several hundred Indians from 9 o'clock in the morning till 12 o'clock at night.²⁴

In the summer of 1838 the Indians of the East became restless, due partly to the efforts of Mexican agents, and partly to the failure of the Senate to ratify the treaty with the Cherokees. In August took place the curious Nacogdoches rebellion. On August 4 a party of citizens who went in search of some horses that had been stolen found the trail of a large number of Mexicans. On the 7th it was reported that there were a hundred or more Mexicans encamped about the Angelina under the command of Nathaniel Norris, Vicente Cordova, and Cruz. On the 10th it was reported that the Mexicans had been joined by 300 Indians, and that their force then amounted to 600. The same day they sent a letter to President Houston disclaiming allegiance to Texas, and set out for the Cherokee nation. Major Augustin was detached with 150 men to follow the rebels, while General Rusk marched with the main force of the Texans to the village of Bowl, military chief of the Cherokees. Before reaching there he found that the insurgents had dispersed.²⁵

No satisfactory explanation has ever been made of the purposes that the Mexicans had in mind in this rebellion. On August 20, a Mexican by the name of Pedro Julian Miracle was killed on the Red River, and on his body were found instructions from General Vicente Filisola directed to the Mexicans and friendly Indians in

²³*Secret Journals*, 75-79.

²⁴Brown, *History of Texas*, II, 143.

²⁵Yoakum, *History of Texas*, II, 245-246; Bancroft, *North Mexican States and Texas*, II, 320; Brown, *History of Texas*, II, 143.

Texas, together with a diary which Miracle had kept during his journey into Texas. The instructions and the diary taken together would indicate that Miracle was visiting the Mexicans and Indians in the region of Nacogdoches for the purpose of fomenting a conspiracy, and it was probably due to his activities that the Mexicans decided to revolt. One of the documents found on the body of Miracle was entitled "Private instructions for the captains of friendly Indians of Texas, by his Excellency the General-in-chief Vicente Filisola," and it was apparently aimed to control his activities with the Indians. He was to invite the principal chiefs to a meeting and propose to them that they and their friends should take up arms in defence of the Mexican territory in Texas. Afterwards, he was to meet several from each tribe, and distribute among them powder, lead, and tobacco, "in the usual manner."

You will make them understand that as soon as they have agreed in taking up arms, they will be rewarded according to their merits; and that so soon as they have taken possession of the places that I have mentioned to you, you will advise me by an extraordinary courier, giving me a detailed account of the strength of the Mexican force, and of the Indian tribes, with the plan of attack, that I may be enabled to direct the forces that are to leave from this place to the assistance of those who are to operate in that quarter. Make them understand that as soon as the campaign is over, they will be able to proceed to Mexico, to pay their respects to the Supreme Government, who will send a commissioner to give to each possession of the land they are entitled to.

A second document, apparently written by Miracle himself, was addressed, "Companions and friends." In it he called upon the Indians to give their service to their country during the campaign which was about to take place, and declare that he had been instructed by the general-in-chief to pay particular attention to their behavior during the campaign and report it to him. "As soon as the news of our operations are made known in Matamoras," he ended, "his excellency the general-in-chief will make a forced march towards the point where our troops may be, so that in the event of any sudden reverse, you will be aided, and a central position fixed upon for your reunion, to be headquarters during the remainder of the campaign."

According to the memorandum book which was found on the body of Miracle, he left Matamoras on May 29, and after a leisurely journey, accompanied by Mexican and Indian followers, he

arrived on the Trinity and made camp on July 2. An extract from his diary will explain to some extent his activity.

July 4. Started for "Plazeta creek." Soon after we discovered the farms of the Choctaw Indians; we directed our course towards the rancho of Buenavista.

July 5.—Don Vicente Cordova presented himself and read the communication of his excellency the general-in-chief, Don Vicente Filisola.

July 7.—We expect to meet the Indian chiefs or captains.

July 8.—About three o'clock in the afternoon Guimon, Boll, and their interpreters, made their appearance; but, on account of the rain, nothing was done.

July 9.—At seven o'clock we started to a rancho to hold a consultation with the Indians. We read the communication of his excellency the general-in-chief; the interpreters being inefficient, nothing was done. They left us without any understanding, but are to meet them in ten days, when they will determine. They left an Indian to conduct me to Boll's house; which was done, and we reached that place drenched with rain. I am to take the first opportunity to speak to Boll, to show him by private instructions; but I can do nothing as yet. He has sent me to another of his houses where I could conceal myself; for he said that some Americans were coming with a communication from Houston, the contents of which I have not learned. Nothing can be done without trouble. [From the ninth until the seventeenth Miracle remained concealed.]

July 17 and 18.—In the afternoon of these days several Indians made their appearance for the meeting.

July 19.—Boll, Dillmoor, and several other captains, came in; but the non-arrival of the Kickapoos delayed our meeting.

July 20.—The meeting took place. War was agreed upon as soon as circumstances would permit, and as speedily as possible; the amount of our force to be taken immediately; including Nacogdoches we have 540 men. At five o'clock p. m. Capt. Saguano began to raise objections to the making of any movement until the arrival of the army in the country when war could be carried on with energy; but finally it was resolved that our force should be in readiness at a moment's warning. At five o'clock Boll left us, and all went away, including Cordova and the people of Nacogdoches, about eight o'clock in the morning.

The remainder of the diary records visits to the other tribes, and comes to an end with an entry for August 8.²⁶

²⁶Copies of these documents found upon Miracle were sent to the American State Department by the Texan Minister, Anson Jones, on December 31, 1838, with a claim that the conditions were made worse on the border

Lamar was aware of the conditions on the frontier, and of the unpopularity of Houston's Indian policy, being informed both by his own interest as a presidential candidate and by the reports of his friends. On June 26, 1838, he received a letter from Reuben H. Roberts of Aransas, supporting his candidacy for the presidency, saying that the cry of the people was for a President who would protect the frontier.²⁷ On July 29, William McCraven wrote from San Antonio, telling of the dangers from Mexicans and Indian marauders, and expressing the popular hope that Lamar's administration would defend the frontier.²⁸

On August 24, General Rusk wrote to Lamar from Nacogdoches concerning the Cordova rebellion, as follows:

Dear Genl

I have received your letter by Col Bee for which please accept my thanks. You must excuse me for not having written you before but recent events have crowded on me so fast that I have had very little time. I will in a few days give you a full account of the recent rebellion here it was a deep and well laid scheme to involve the country in a general Indian war. I have had great difficulty in preventing it. His Excellency has acted strangely indeed had I been governed by his peremptory orders I have not the least doubt that an Indian war would have been now raging here but a timely demonstration of force by marching six hundred horsemen through their Country excited strongly that which can only be depended upon in Indians their fear.²⁹

Two days later Hugh McLeod, adjutant to General Rusk, wrote, saying that the Mexicans had plotted for a general uprising of Indians, and but for Rusk's promptness they might have brought it about. He criticised President Houston severely for his conduct during the rebellion. "He cramped Genl Rusk in ever way," he said, "with his orders, written here, where one could not judge what was the true state of affairs at HdQrs."³⁰ Besides these, there were other letters strongly criticising the policy of Houston and hoping that Lamar would adopt a different policy with regard to the Indians.

On October 22 McLeod reported a renewal of Mexican hostility by the failure of the two governments to run the boundary line. They appear printed in 32 Cong., 2 session, *Senate Documents*, No. 14, pp. 11-17.

²⁷*Lamar Papers*, No. 753.

²⁸*Lamar Papers*, No. 772.

²⁹Rusk to Lamar, August 24, 1838, *Lamar Papers*, No. 797.

³⁰McLeod to Lamar, August 26, 1838, *Lamar Papers*, No. 800.

ties, giving an account of the battle of Kickapoo on the 16th, and on the 25th he wrote that Rusk had become convinced that the time had come for a campaign of extermination against all Indians except the friendly ones.³¹ On November 17, General Rusk wrote, suggesting the creation of a permanent force of five hundred men to operate against the Indians. At the same time he suggested that Lamar demand the removal of all United States Indians under the treaty of 1831 between the United States and Mexico.³²

The inauguration of Lamar was to take place on December 10, and the stage was set for a declaration of policy different from that of Houston, who continued to insist that his policy was the only one that promised success. Houston delivered his valedictory message on November 19, and to illustrate the contrast of the attitude of the outgoing to that of the incoming President, I shall give his policy as he expressed it. Criticising the whites for their aggression on the Indian lands, Houston said:

The great anxiety of our citizens to acquire land induced them to adventure into the Indian hunting grounds in numbers not sufficient for self-protection, and inasmuch as they met with no serious opposition in the commencement of their surveying, they were thrown off their guard, which afforded the Indians an opportunity of taking them by surprise, and hence they became victims to their own indiscretion and temerity.

The executive anticipated the consequences that would result from penetrating into the Indian hunting grounds, he said, and had done everything in his power to prevent such a course. His personal remonstrances were insufficient to control the determination of those whose opinions set at naught admonitions that could not be legally enforced. The Indians, by gaining partial advantages, were induced to form more numerous associations, that had rendered them formidable; and occasionally acquiring spoil, they had been induced to advance upon the settlements in marauding parties, while the continued surveys within their hunting grounds had so much exasperated their feelings that their invasions had become formidable to the frontier. He went on to say that the system of surveying lands had involved the country in all the calamities that had visited the frontier, and suggested that for

³¹McLeod to Lamar, October 22 and 25, 1838, *Lamar Papers*, Nos. 846, 852.

³²Rusk to Lamar, November 17, 1838, *Lamar Papers*, No. 876.

some time to come restrictions should be placed on surveying beyond the settlements. He concluded by censuring General Rusk for alleged encroachments on the Presidential power during the Cordova rebellion, and claimed that that revolt was brought about by violation of the rights of the Mexicans and Indians.³³

Lamar did not leave the country long in doubt as to his policy in dealing with the Indians. "It is a cardinal principle in all political associations," he said in his first message to Congress, December 21, 1838, "that *protection* is commensurate with *allegiance*, and the poorest citizen, whose sequestered cabin is reared on our remotest frontier, holds as sacred a claim upon the government for safety and security, as does the man who lives in ease and wealth in the heart of our most populous city." He was not anxious to aggravate the ordinary calamities of war by inculcating the harsh doctrines of *lex talionis* toward debased and ignorant savages. War was an evil which all good people ought to strive to avoid, but when it could not be avoided, it ought to be so met and pursued as would best secure a speedy and lasting peace. The moderation hitherto extended to the Indians on the border had been answered by all the atrocious cruelties that characterize their mode of warfare. His solicitude for the due protection of the frontier had partially overruled his habitual repugnance to standing armies; and in the disturbed state of their foreign and Indian relations, the proper security of the country at large, especially the peace and safety of the border settlements, seemed to require the organization of a regular, permanent, and effective force.

He showed himself in harmony with the popular sentiment in his remarks concerning the Indians in the East. He referred to the trouble around Nacogdoches in August, and said that it was not all clear to him, but that he was far from conceding that the Indians, either native or immigrant, had any just cause of complaint. He proceeded to discuss the nature of their claims to lands in East Texas, showing to his satisfaction that they were worthless. He was particularly severe on the Cherokees and clearly foreshadowed stern measures with them. He suggested the establishment of a line of military forts, announced that agents were to be appointed to live in the Indian settlements, and that Indians were to be required to submit to Texan criminal laws.³⁴

³³Kennedy, *Texas*, II, 316.

³⁴*Telegraph and Texas Register*, December 26, 1838; *Lamar Papers*, No. 361.

On the day that he sent this message to Congress he received from Congress, and approved, an act "to provide for the protection of the Northern and Western Frontier." It created a regiment comprising 840 men, rank and file, divided into fifteen companies of fifty-six men each. The term of service was to be three years, at a compensation of sixteen dollars a month, and with a bounty of thirty dollars. The regiment was to be divided into eight detachments, stationed as follows: at or near Red River; at or near the Three Forks of the Trinity; at or near the Brazos; at or near the Colorado River; at or near St. Marks River; at the headwaters of Cibolo; at or near Rio Frio; and at or near the Nueces River. At each of these posts fortifications were to be constructed. These posts were to become the center of frontier settlement. As soon as the positions were selected, three leagues of land were to be laid off and surveyed into lots of 160 acres each. Two of the lots were to be reserved for the government for the purpose of constructing fortifications, one lot was to be given to the soldiers obeying the term of enlistment, and the remainder was to be given in lots of 160 acres to bona fide settlers in fee simple who would live there two years. The act further provided for the establishment of sixteen trading posts.³⁵

On January 1, 1839, two other acts for the further protection of the frontier were approved. The first authorized the President to accept eight companies of mounted volunteers for a period of six months, and appropriated \$75,000 to maintain that force. The second appropriated the sum of \$5,000 for a company of fifty-six rangers for a three months period.³⁶ A little later another act was approved providing for three companies of militia for the protection of the frontier;³⁷ and on January 24, the sum of \$1,000,000 was appropriated for the protection of the frontier.³⁸

In October conditions had become unsettled in the East again, and on the 16th the army under Rusk fought a battle with a mixed force of Mexicans and Indians at Kickapoo. Shortly afterwards the Caddos in the Red River valley became threatening, and just before Lamar's inauguration, Rusk had followed them into the United States and disarmed them, thereby incurring a

³⁵Gammel, *Laws of Texas*, II, 15.

³⁶*Ibid.*, II, 30, 31.

³⁷*Ibid.*, II, 74.

³⁸*Ibid.*, II, 84.

protest from the government of the United States.³⁹ These activities made necessary the use of the whole army in the East, and the West was left unprotected. On January 2, 1839, Joseph Baker, Indian agent at San Antonio, reported that the Comanches, Lipans, and Tonkawas were active, and that several children had been captured at Gonzales; on the 16th, several citizens sent a circular announcing Indian attacks in Robertson County, and appealing for aid.⁴⁰

It is not worth while to enumerate all the Indian attacks during this period. It is sufficient to say that a lack of interest in frontier protection had caused the depletion of the army, and a lack of funds at the outset of Lamar's term made impossible the carrying into effect of the ambitious program that he had announced. His response to the appeals for help coming from the western counties was that the lack of funds made him unable to do anything effective in defending the frontier, but that an agent was then in New Orleans attempting to sell bonds, and that he would apply all the proceeds from the sale to the purchase of ammunition and the payment of soldiers.⁴¹ On February 28 he called for volunteers from eight counties in western Texas for an Indian war. Edward Burleson had been appointed a colonel in the regular army and stationed at Bastrop, but recruiting was very slow, and practically the only defence for the western frontier during the year was by volunteer bodies, supported by what there was of a regular army. It is likely, however, that the endorsement of an aggressive policy by Lamar gave encouragement to the citizens in their local warfare with the Indians.

By far the most troublesome Indians to the Texans were the Comanches, who had established themselves on the headwaters of the Colorado before the American occupation. Throughout the period of the Republic, and even after annexation, they made frequent attacks on the western settlements. President Houston was authorized by the Senate to make a treaty with them in 1837, and he invited a number of their chiefs to Houston where he had a conference with them, giving them presents, and accepting their

³⁹*Indian Affairs*, 1831-1841; McLeod to Lamar, November 21, 1838, *Lamar Papers*, No. 882; 32d Cong., 2d sess., *Senate Document*, No. 14, p. 17.

⁴⁰*Lamar Papers*, Nos. 982, 1016.

⁴¹Lamar to Inhabitants of Robertson's Colony, February 22, 1839, *Lamar Papers*, No. 1084.

promise to keep the peace. In 1838, during the closing year of Houston's administration, no effort was made by the government to protect the frontier from the Comanches, and the President went so far as to criticise the whites for provoking attacks from the Indians by their imprudence. Lamar gave to the local movements the moral support of the administration, and as far as possible the actual physical support. I shall follow out, as far as possible, the relations with the western tribes, particularly the Comanches, reserving a discussion for the relations with the immigrant tribes of East Texas until later.

In the latter part of January, 1839, three companies of volunteers were organized and placed under the command of Captain John H. Moore, and ordered to move against the Comanches. They marched up the Colorado. On the 14th of February they came to within ten miles of the Indian village, and after dark attacked a vastly superior force. After killing about thirty of the Indians and losing one killed and six wounded, the Texans drew off and did not renew the fight. In the latter part of February, a party of Indians committed several murders in the vicinity of Bastrop, and were attacked by about fifty Texans. The Texans were forced to fall back, but were reinforced by General Burleson with thirty men, and after a sharp battle the Indians fled. In May, a force of thirty-five men under Captain John Bird discovered a party of twenty-seven Indians on Little River. They pursued them until the Indians came up with the main body of from two hundred and fifty to three hundred. The Texans managed to secure an advantageous position, and beat the Indians off with severe losses.⁴²

The punishment that the Indians received in these engagements caused them to be more wary in their attacks, and early in the following year an effort was made to enter into a treaty with the Texans. In February, 1840, some of the Indians came to San Antonio for the purpose of making peace with Texas, and were told by the commissioners to bring in the captives they had taken. The Indians promised to do this, and on March 19, appeared with only one captive. Twelve of the chiefs met the commissioners, and when called upon to produce their captives produced only one little girl. The Texans knew that the Comanches had other cap-

⁴²Yoakum, *History of Texas*, II, 261-263; Report of Secretary of War, November, 1839.

tives and demanded that they be brought before any treaty would be signed. When the chiefs claimed that they had no other captives, General McLeod, who was in command of the Texans, ordered a company of soldiers into the house and told the Indians they were under arrest, and that they would be detained until they sent the rest of their company for the prisoners and brought them in. This statement immediately precipitated a fight in the council room, which spread to the warriors outside. All the chiefs and warriors were killed, and twenty-seven women and children were taken prisoner, the Texans losing seven killed and eight wounded. The women were kept prisoners while one of their number was sent to inform the Comanches what had taken place and to say that the Texans were willing to exchange prisoners. A few days later she returned with two white captives and four or five Mexicans, and proposed to exchange them for her people and pay the difference in horses. She was informed that all the white prisoners must be brought in.⁴³

In revenge for this battle at San Antonio, the Indians planned an extensive campaign. Aided by the Mexicans and some Kiowas, a band estimated at from four hundred to a thousand Indians suddenly attacked Victoria on the evening of August 6. The citizens had had no notice of their coming, but they managed to take refuge in the center of the town, and put up an effectual resistance, losing only a few persons and a considerable number of horses. They made another attack the next day, which also failed, and then they crossed the Guadalupe River and attacked Linnville on the coast. The inhabitants took refuge in a lighter on the Gulf, but the Indians burned the town and carried away most of the goods and cattle that they could find. In the meantime volunteers had been collecting, who, joined by regulars and rangers, intercepted the Indians at Plum Creek. Here under General Felix Huston, the Texans fought and defeated the Indians, killing from fifty to eighty, and recovered all horses and prisoners. The Indians were pursued for some distance, but the main body made its escape.

Not content with the defeat of the Indians at Plum Creek, the Texans determined to send an expedition into the Comanche coun-

⁴³Report of McLeod to Secretary of War, March 20, 1840; *Telegraph and Texas Register*, April 15, 1840; Bancroft, *North Mexican States and Texas*, II, 324; Yoakum, *History of Texas*, II, 298; Brown, *History of Texas*, II, 175.

try, and chastise them so that they would make no more attacks on the frontiers. Colonel John H. Moore, who had followed the Comanches up the Colorado to their village in February, 1839, was chosen to lead the expedition. Setting out about the first of October with ninety men, besides twelve friendly Lipans, he went up the Colorado about three hundred miles to where Colorado City now stands. Here the Lipans found the Comanche village in the bend of the river, with a bluff to cut off their retreat. McLeod sent thirty men to occupy the bluff, and with his main force made a surprise attack, which proved fully successful. Only two warriors escaped, and a hundred and thirty-four were found dead on the field. Thirty-four squaws and children were captured. The Texans had a few wounded but none killed. This ended the organized attacks of the Comanches during Lamar's administration, though they continued to annoy outlying settlements.⁴⁴

II. Relations with the Cherokees

A group of Indians that furnished a special problem to the Texans from their first immigration, consisted of the semi-civilized tribes which had emigrated from the United States, consisting of the Cherokees, the Coshattoes, the Kickapoos, the Choctaws, the Shawnees, the Biloxis, and the Caddoes. Most of these had no claim to the soil on which they had settled, and contemporaries and historians have agreed on the justice of their removal from Texas. The Cherokees did have some claim, however, or thought they did, to the occupancy and government of the region where they were settled. The refusal of Lamar to recognize their claims as valid, and his determination to treat them as other immigrant tribes, make necessary a full discussion of their claims, both under the Mexican régime and after the Texans had won their independence.

In the winter of 1819-20, the first party of Cherokees, consisting of sixty warriors, left their settlements among the Caddoes north of Red River, and came into Texas, settling somewhere along the boundary between the Caddoes and the Prairie Indians.⁴⁵ By

⁴⁴Accounts of this campaign can be found in Yoakum, *History of Texas*, II, 302-305; Bancroft, *North Mexican States and Texas*, II, 325-326; Brown, *History of Texas*, II, 178-183. Brown as a young man was present as a volunteer in the battle of Plum Creek, and writes an interesting account of the battle.

⁴⁵E. W. Winkler, "The Cherokee Indians in Texas," in *Texas Historical*

the latter part of 1824 they were claiming the region lying between the Sabine and Trinity Rivers north of the San Antonio Road, which continued to be their claim until driven from Texas in the summer of 1839. Whether or not they had permission from the Spanish authorities to settle in Texas it is impossible to say. A letter from Richard Fields, their chief, to James Dill, alcalde at Nacogdoches, just after the revolution which freed Mexico from Spanish rule in 1822, indicates that probably some Spanish governor had given them the right to locate there for hunting purposes. The letter, addressed to the "subsprem Governor of the Provunce of Spain," February 1, 1822, asked what was to be done with the poor Indians. They had some grants, it said, which were given them when they lived under the government of Spain, and they wanted to know whether or not the grants would be recognized by the new government. This letter was forwarded to the governor by Dill, but it elicited no response.⁴⁶

Early in November, 1822, Fields with twenty-two more Indians, visited Don José Felix Trespalcacios, the governor of the province of Texas, and asked permission for all belonging to his tribe to settle upon the lands of the province. Trespalcacios entered into a temporary agreement with Fields, and sent him to the commandant general of the Eastern Interior Provinces at Monterey, Don Gaspar Lopez, who, if agreeable was to send him on to the court of the Empire, for the purpose of securing a confirmation of the grant given by Trespalcacios. This agreement constitutes the main documentary evidence of the claims of the Cherokees in Texas prior to the declaration of the Consultation in 1835, and I shall quote it in full.

Article 1st. That the said chief Richard [Fields] with five others of his tribe, accompanied by Mr. Antonio Mexia and Antonio Walk, who act as Interpreters, may proceed to Mexico, to treat with his Imperial Majesty, relative to the settlement which said chief wishes to make for those of his tribe who are already in the territory of Texas, and also for those who are still in the United States.

Article 2d. That the other Indians in the city, and who do not accompany the beforementioned, will return to their village in the

Association Quarterly, VII, 96; *National Intelligencer*, September 15, 1820.

⁴⁶Winkler, in *Ibid.*, 99. The original of this letter is in *Bexar Archives*. It is printed in full in Mr. Winkler's article, as cited.

vicinity of Nacogdoches, and communicate to those who are at said village, the terms of this agreement.

Article 3d. That a partv of the warriors of said village must be constantly kept on the road leading from this province to the United States, to prevent stolen animals from being carried thither, and to apprehend and punish those evil disposed foreigners, who form assemblages, and abound on the banks of the river Sabine within the Territory of Texas.

Article 4th. That the Indians who return to their Town, will appoint as their chief the Indian Captain called Kunetand, alias 'Tong Turqui, to whom a copy of this agreement will be given, for the satisfaction of those of his tribe, and in order that they may fulfill its stipulations.

Article 5th. That meanwhile, and until the approval of the Supreme Government is obtained, they may cultivate their lands and sow their crops, in free and peaceful possession.

Article 6th. That the said Cherokee Indians, will become immediately subject to the laws of the Empire, as well as all others who may tread her soil, and they will also take up arms in defense of the nation if called upon so to do.

Article 7th. That they shall be considered Hispano-Americans, and entitled to all the rights and privileges granted to such; and to the same protection should it become necessary.

Article 8th. That they can immediately commence trade with the other inhabitants of the Province, and with the exception of arms and munitions of war, with the tribes of Savages who may not be friendly to us.⁴⁷

Fields and his party arrived in Saltillo, the headquarters of the commandant general, early in December, and after being entertained by him for a few days were sent on to Mexico City, arriving there early in 1823, at the time when the revolution against the power of Iturbide was taking place. During the progress of the revolution Fields and his companions remained in Mexico, awaiting a settlement of their claims. On April 27, 1823, the minister of relations in the provisional government, announced the decision of the government to recognize the agreement between Fields and Trespalcacios until a general colonization law could be passed. "The Supreme Executive Power," wrote Alaman to Don Felipe de la Garza, who had succeeded Lopez as commandant general of the Eastern Interior Provinces,

has been pleased to resolve that Richard Fields chief of the Cher-

⁴⁷*Record of Translations of Empresario Contracts*, 85. General Land Office of Texas.

okee Tribe of Indians, and his companions now in this Capital, may return to their country, and that they be supplied with whatever may be necessary for that purpose. Therefore, Their Supreme Highnesses have directed me to inform you, that although the agreement made on the 8th November 1822 between Richard Fields and Colonel Felix Trespacios Governor of Texas, remains provisionally in force, you are nevertheless, required to be very careful and vigilant, in regard to their settlements, endeavoring to bring them towards the interior, and at places least dangerous, not permitting for the present the entrance of any new families of the Cherokee tribe, until the publication of the General Colonization law, which will establish the rules and regulations to be observed, although the benefits to arise from it, can not be extended to them, in relation to all of which, Their Highnesses intend to consult the Sovereign Congress. That while this is effecting, the families already settled, should be well treated, and the other chiefs also, treated with suitable consideration, provided that those already within our territory respect our laws, and are submissive to our Authorities; and finally, Their Highnesses order, that in future neither these Indians, nor any others be permitted to come to the City of Mexico, but only send their petitions in ample form, for journeys similar to the present, are of no benefit, and only create unnecessary expense to the State. All of which I communicate to you for your information and fulfillment.⁴⁸

With this understanding Fields seemed fully satisfied and returned to Texas.

It is apparent from these documents that Fields received no more than a temporary concession, and that a permanent grant was left in abeyance. Besides, he was conceded no more than the right to sow his crops, and till his fields without interference from the authorities. A year later we find Fields claiming considerably more than this. In calling a council of all the Indian tribes for the purpose of forming a treaty with them, he said:

The superior government has granted to me in this province a territory sufficient for me and that part of the tribe of Indians dependent on me to settle on, and also a commission to command all the Indian tribes and nations that are in the four eastern provinces.

In the council he was to propose treaties with all Indians who would agree to submit themselves to the orders of the government, and if there were any who would not agree, he was to use force to

⁴⁸Alaman to De la Garza. April 27, 1823, *Record of Translations of Empresario Contracts*, 85, 86; Winkler, as cited, 105, 106.

subdue them.⁴⁹ This letter of Fields's was transmitted to the government at Mexico City, and Alaman responded immediately that no such commission and no such grants had been made, stating that the only agreement was for an extension of the provisional treaty between Trespalcacios and Fields of November 8, 1822.⁵⁰

On August 18, 1824, the general colonization law was passed, giving to the States the right to make regulations for the distribution of lands within their boundaries. The State of Coahuila and Texas passed their colonization law on March 24, 1825. Less than a month later, April 15, 1825, the State granted three contracts for the settlement of two thousand families in the region claimed by the Indians. Robert Leftwich was to settle eight hundred west of the Cherokee claim, Frost Thorn four hundred north of their villages, and Edwards eight hundred on the lands claimed and occupied by the Cherokees. These grants do not, of course, prove that the Indians had no claim to the lands. It is more likely that the authorities of the State of Coahuila and Texas knew nothing of the temporary grant by Trespalcacios and confirmed by the authorities in Mexico. The granting of their lands to others, however, led to a threatened revolt, which was prevented only by earnest efforts on the part of friends of Texas.⁵¹ At the same time Fields was assured that he would get suitable lands, and he continued to assert all the powers he had claimed before.

On March 20, 1826, when a general Indian war was threatening, Fields wrote to the political chief at San Antonio promising help against those Indians, the Comanches and others, who were refusing to come to terms with the Mexicans. A little later Stephen F. Austin was ordered by the *commandante* at San Antonio to attack the Wacoos, Tehuacanos, and other tribes, and he called upon Fields for assistance, stating that it would be the means of securing the lands which the Cherokees desired. Fields asserted his willingness to assist the whites, but said the waters of the Neches were too high for them to get across. The attack was postponed at that time, but in the autumn Fields asked permission to make war on the same Indians, which was granted. Before it could take place, however, other matters entirely changed the aspect of affairs, and the Cherokees were ready to attack the Mexicans.⁵²

⁴⁹Winkler, "The Cherokee Indians in Texas," *op. cit.*, 108.

⁵⁰*Ibid.*, 110.

⁵¹*Ibid.*, 117-120.

⁵²*Ibid.*, 126.

In the summer of 1825, about the time that Fields was preparing to secure his lands by force, John Dunn Hunter, a white man who had spent several years of his youth in captivity with the Indians, and who had wonderful schemes for civilizing the Indians, made his appearance among the Cherokees of Texas. Hunter counselled friendship with the Mexicans, and proceeded to Mexico City to petition for lands for the Indians, arriving there on March 19, 1826. It seems to have been the purpose of Hunter to secure from the government a grant of land in the vacant parts of Texas and Coahuila for the settlement of nearly 20,000 warriors, who were to adopt the Catholic religion, take the oath of allegiance to the Mexican Government, devote themselves to agricultural labor, and defend the frontiers.⁵³ Hunter returned about September and announced the failure of his mission, and the Cherokees immediately began preparations to gain by force what they had not been able to get peaceably.

A council was called, and addressed by Hunter and Fields. The speech of Fields, as reported to Stephen F. Austin by P. E. Bean, indicates that he was willing to demand perhaps more than he believed had been granted. In the language of Bean, it was as follows:

In my old Days I travilid 2000 Miles to the City of Mexico to Beg some lands to setel a Poor orfan tribe of Red Peopel that looked up to me for Protasion I was Promised lands for them after staying one year in Mexico and spending all I had I then came to my Peopel and waited two years and then sent Mr. hunter again after selling my stock to Provide him money for his expenses when he got there he Staited his mision to Government they said they New nothing of this Richard fields and treated him with contampt I am a Red man and a man of onor and Cant be emposid on this way we will lift up our tomahawks and fight for land with all those friendly tribes that wishes land also if I am Beaten I will Resign to fait and if not I will hold lands By the forse of my Red Warriors.⁵⁴ . . .

It was at first the purpose of the Cherokees to attack the Americans in Texas, and they were to begin with Edwards's colony, which included the lands occupied by them. At about that time, however, Edwards had become involved in a controversy with the

⁵³*Ibid.*, 123.

⁵⁴P. E. Bean to S. F. Austin, December 30, 1826, in *Austin Papers*. Winkler, "The Cherokee Indians in Texas," *op. cit.*, 133.

authorities and in the end this resulted in the revocation of his grant. Rather than submit to the loss which this would entail, Edwards and some of his followers raised a rebellion against the authority of Mexico, declaring the colony independent under the name of Fredonia. Hunter thought it best to consult with the colonists under these circumstances, and he went to Nacogdoches for the purpose. Hunter's visit resulted in a treaty of alliance between the Cherokees and the rebels under Edwards.

The treaty of alliance as drawn up by Hunter and Fields on the part of the Indians and Harmon B. Mayo and Benjamin W. Edwards as Agents of the Committee of Independence provided that the contracting parties bound themselves into a solemn Union, League and Confederation, in peace and war, to establish and defend their independence against the Mexican United States. The boundary between the whites and the Indians was outlined, and it was agreed that the territory apportioned to the Indians was intended as well for the benefit of those tribes living in the territory apportioned to the whites as for those living in the former territory, and that it was incumbent upon the contracting parties for the Indians to offer those tribes a participation in the territory.⁵⁵

It is not my purpose to follow the events connected with this rebellion. The other American settlers in Texas not only refused to give any assistance to the rebels, but joined the authorities in putting them down. The Cherokee chiefs were unable to form a league of the Indians in Texas, or even to secure the united support of their own people. Mexican agents went among the Indians and promised them land if they would refuse to join in the movement for independence. Among these agents P. E. Bean was the most active. Through his influence the political chief wrote a letter to Fields attempting to explain the failure of the government to grant the lands desired, and promising that the grants would be made as soon as possible. He failed, however, to detach Fields and Hunter from the alliance; but the activity of the agents among the Indians themselves was more successful, and the greater part of them under the leadership of Bowl and Big Mush went

⁵⁵ Foote, *Texas and the Texans*, I, 253-256; Winkler, "The Cherokee Indians in Texas," *op. cit.*, 142.

over to the Mexicans and killed Fields and Hunter in January, 1827.⁵⁶

In spite of the promise of lands to Bowl and Big Mush, in order to secure their co-operation against the rebels during the Fredonian rebellion, no steps were taken to put them in possession of the lands selected until 1831, though there was no effort to interfere with their peaceful possession. Instead of putting them in possession of the Edwards grant, the legislature divided that territory between David G. Burnet and Joseph Vehlein.⁵⁷

On April 6, 1830, a Federal act prohibiting the further immigration of Americans into Texas was passed. As an alternative to American settlement of Texas, the law proposed the settlement of Mexican families around the Americans already there, thus overcoming the isolation of the Americans. General Teran, who had become commandant general of the Eastern Interior States, appealed to the governor of each State to furnish a certain number of Mexican families to settle upon the Texas frontier. The governors failed to respond to this request, and no Mexican families were sent. This determined Teran to attempt to settle Indians to keep the Americans in check. He decided to begin this by settling firmly the Cherokees on the land which they claimed and had occupied for several years, hoping thus to stop the American advance in this manner. On August 15, 1831, he wrote to Letona, the governor of Coahuila and Texas, as follows:

In compliance with the promises made by the Supreme Government, to the Cherokee Indians, and with a view to the preservation of peace, with the rude tribes, I caused them to determine upon some fixed spot for their Settlement, and having selected it on the head waters of the Trinity, and the banks of the Sabine, I pray your Excellency may be pleased, to order that possession be given to them, with the corresponding Titles, with the understanding, that it will be expedient, that the commissioners appointed for this purpose, should act in conjunction with Colonel José de las Piedras, commanding the military force on the frontier of Nacogdoches.⁵⁸

The local officials fell in with the suggestions of the commandant

⁵⁶Winkler, "The Cherokee Indians in Texas," *op. cit.*, 146-150.

⁵⁷Bancroft, *North Mexican States and Texas*, II, 110.

⁵⁸*Record of Translations of Empresario Contracts*, 89. Translation by Thomas G. Western. Winkler, "The Cherokee Indians in Texas," *op. cit.*, 154.

general, and on March 22, 1832, the governor instructed the political chief to cause the commissioner, Piedras, to be furnished with such stamped paper as he might require for that purpose.⁵⁹ Before Piedras could carry out his instructions he had been expelled from Nacogdoches by an uprising of the American settlers, and this ended the efforts of the government to put the Indians in possession of their lands. Shortly after this Teran committed suicide and was succeeded as commandant general by General Vicente Filisola, the holder of an empresario grant himself. Governor Letona, bitterly hostile to the Americans, fell a victim of yellow fever and was succeeded by Beramendi, a warm friend of Texas.⁶⁰

In 1833 the Cherokees with the assistance of the Americans took steps to secure the titles to their lands. A number of the Indians proceeded to San Antonio to lay before the political chief a petition expressing their desires, and giving the boundary of the lands that they wanted. On July 20, he gave them a pass to visit the governor at Monclova. On August 21, Governor Beramendi gave them a document which promised that they would not be disturbed until the supreme government could investigate; but because the time limit for the settlement of David G. Burnet's grant had not expired he could not put them in full possession.⁶¹

The matter was still unsettled in 1835. On March 10, the political chief wrote that the supreme government of the State would not let the Cherokees, Coshattoes, and other Indians be disturbed until the supreme government could pass on the subject. On May 12, the congress of Coahuila and Texas passed a resolution declaring:

Art. 1. In order to secure the peace and tranquility of the State, the Government is authorized to select, out of the vacant lands of Texas, that land which may appear most appropriate, for the location of the peaceable and civilized Indians which may have been introduced into Texas.

Art. 2. It shall establish with them a line of defense along the frontier to secure the State against the incursions of the barbarous tribes.⁶²

This was the last act of the Mexican government with regard to

⁵⁹Winkler, "The Cherokee Indians in Texas," *op. cit.*, 155; *Record of Translations of Empresario Contracts*, 90.

⁶⁰Winkler, "The Cherokee Indians in Texas," *op. cit.*, 156, 157.

⁶¹*Ibid.*, 163.

⁶²*Laws of Coahuila and Texas*, 300.

Indian claims. On November 11 the Consultation adopted articles for a provisional government, and declared all land offices closed until a government could be formed and a land office established under that government capable of issuing valid land grants. The Indian claims were left as they had been throughout the decade. Fields had obtained a shadowy temporary right to land. He had claimed much more for this grant than can be allowed. When the Mexican authorities failed to put him in possession of the land, denying knowledge of him in 1825, he joined with the Fredonian rebels against Mexican authority. In order to overthrow this rebellion, the Mexicans promised land to Bowl and Big Mush, without specifying what lands. The Indians insisted on receiving title to the lands lying between the Trinity and Sabine Rivers north of the San Antonio Road, though it had been officially granted to Burnet, Filisola, and others. During 1831-1832 the authorities contemplated putting the Cherokees in actual possession of that territory, but failed, as we have seen. When Bowl appealed to the governor of Coahuila and Texas in 1833, he was given the same evasive assurances as had been received before, but Beramendi threw some doubt on his right to the lands occupied. Finally, the congress of Coahuila and Texas proposed to remove them from their homes and establish them on the frontiers for defense against the hostile Indians.

The Mexican control of Texas passed with the question in this situation. The Indians had been promised land on numerous occasions, but not the land on which they were located. That land had been granted to others, so that the Mexican government could not legally grant it to the Indians. The period closed with the Indians having no legal claim, and knowing that they had no legal claim, to lands anywhere in Texas.

The Americans in the beginning of their revolt in 1835 recognized the importance of keeping the Indians quiet. The committees of safety had suggested the desirability of coming to some agreement with the Indians, and the Permanent Council had appointed three commissioners to proceed to the Indian villages and discover the cause of their grievances and attempt to settle them. The Consultation, which succeeded the Permanent Council, went further and recognized the rights of the Indians to the lands they had occupied and claimed. "We solemnly declare," said the declaration passed by the Consultation the day before adjournment,

that the boundaries of the claims of the said Indians are as follows, to wit, being north of the San Antonio road and the Neches, and west of the Angelina and Sabine rivers. We solemnly declare that the Governor and General Council immediately on its organization shall appoint commissioners to treat with the said Indians to establish definite boundaries of their territory and secure their confidence and friendship. We solemnly declare that we will guarantee to them the peaceable enjoyment of their rights and their lands as we do our own. We solemnly declare that all grants, surveys and locations within the bounds hereinbefore maintained, made after the settlement of the said Indians, are and of right ought to be utterly null and void, and the commissioners issuing the same be and are hereby ordered immediately to recall and cancel the same, as having been made upon lands already appropriated by the Mexican government. We solemnly declare that it is our sincere desire that the Cherokee Indians and their associate bands should remain our friends in peace and war, and if they do so we pledge the public faith to the support of the foregoing declaration. We solemnly declare that they are entitled to our commiseration and protection, as the first owners of the soil, as an unfortunate race of people, that we wish to hold as friends and treat with justice.⁶³

On December 22, 1835, the Council, as we have seen, acting upon the recommendation of Governor Henry Smith, appointed Sam Houston, John Forbes, and John Cameron commissioners to treat with the Indians under the instructions to be drawn up by the governor, which was done on the 30th. The commissioners were to proceed to Nacogdoches as soon as possible and enter upon the discharge of their duties, in which they were in nowise to transcend the instructions of the Declaration of the Consultation. "You will in all things pursue a course of justice and equity towards the Indians," Governor Smith said,

and protect all honest claims of the Whites, agreeably to such Laws compacts or treaties, as the said Indians may have heretofore made with the Mexican Republic.

You will provide in said treaty with the Indians, that they shall never alienate their Lands, either separately or collectively, except to the Government of Texas, and to agree that the said Government, will at any time hereafter purchase all their claims at a fair and reasonable valuation. You will endeavor, if possible, to secure their effective co-operation at all times when it may be necessary to call the effective forces of Texas into the field and agreeing for their services in a body for a specific time. If found expedient and consistent, you are authorized and empowered to exchange other Lands

⁶³*Journal of the Consultation*, 51-52.

within the limits of Texas not otherwise appropriated in the room of the Lands claimed by Said Indians and as soon as practicable, you will report your proceedings to the Governor and Council for their ratification and approval.⁶⁴

On February 23, 1836, the commissioners entered into a treaty with the Cherokees. By this treaty the Indians were to receive title to the land they claimed, and which under the declaration of the Consultation was adjudged to be theirs. The rights of those who settled before the Cherokees were to be respected, but all who had been once removed and had later returned were to be considered intruders. All bands or tribes mentioned in the treaty were to be required to remove within the boundary fixed. The lands were not to be sold or alienated to anyone except the government of Texas, and the Cherokees agreed that no other tribes should be allowed to settle there. No individual Indian was permitted to sell land, and no Texan to buy from an Indian. The Indians were to be governed by their own laws. The government of Texas had power to regulate trade and intercourse between the Indians and others, but should levy no tax on the trade of the Indians. Property stolen from citizens or from the Indians was to be restored to the persons from whom stolen, and the offender or offenders were to be punished by the tribe to which he or they belonged.⁶⁵

A ratification of this treaty would have resulted in the establishment of a separate Indian state with practical independence. It would have been a nation living within definitely fixed boundaries, under their own laws, punishing their own citizens for theft of horses from the whites, exempt from taxation by the Texan government, and under no more restriction than would be involved in a control over foreign affairs and the appointment by Texas of an agent to live among the Indians. The Convention which met in March, however, refused to ratify the treaty, though Houston and the Indians considered the government morally bound to do so.

Acting upon the theory that the declaration of the Consultation was sufficient authority for his action in drawing up the treaty with the Indians, Houston, while he was attempting to secure a ratification of the treaty by the Senate of the Republic after he became President, deliberately gave the Indians to understand that ratification was not necessary, and that they would get their lands.

⁶⁴MS. *Indian Affairs*, 1831-1841. Texas State Library.

⁶⁵*Secret Journals*, 35, 36, 37, 38.

Writing to Bowl on April 13, 1836, during the retreat from Gonzales, and after the refusal of the Convention to ratify the treaty, Houston said:

My friend Col Bowl.

I am busy, and will only say, how da do, to you! You will get your land as it was promised in our Treaty, and you, and all my Red brothers, may rest satisfied that I will always hold you by the hand, and look at you as Brothers and treat you as such!

You must give my best compliments to my sister, and tell her that I have not wore out the mockasins which she made me; and I hope to see her and you, and all my relations, before they are wore out. Our army are all well, and in good spirits. In a little fight the other day several of the Mexicans were killed, and none of our men hurt. There are not many of the enemy now in the Country, and one of our ships took one of the enemy's and took 300 Barrels of flour, 250 Kegs of powder, and much property—and sunk a big warship of the enemy, which had many Guns.⁶⁶

The purpose of this letter was probably to keep the Indians quiet by promising them their lands under the treaty and by making it appear that the Mexicans were making only a slight effort to subdue the Texans. In December, however, when there was no danger of the return of the Mexicans, he sent a message to the Senate urging its ratification. "You will find upon examining this treaty," he said,

that it is just and equitable, and perhaps the best which could be made at the present time. It only secures to the said Indians the usufructuary right to the country included within the boundary described in the treaty, and does not part with the right of soil, which is in this Government; neither are the rights of any citizen of the Republic impaired by the views of the treaty, but are all carefully secured by the third article of the same. In considering this treaty, you will doubtless bear in mind the very great necessity of conciliating the different tribes of Indians who inhabit portions of country almost in the center of our settlements as well as those who extend along our frontier.⁶⁷

The Senate took no action at that time; but at the next session appointed a committee to consider the treaty and the general Indian question, and this committee reported on October 12, 1837. It declared the opinion that the rights with which Indians might have been invested by the Mexican government previous to the

⁶⁶*Lamar Papers*, No. 352.

⁶⁷*Secret Journals*, 35.

declaration of independence should be respected, but was not able to find that any such right had been acquired. The premises assumed by the Consultation were false, and acknowledged rights based on false premises "are of no effect and void, which your committee conceive to be the case in this instance." The territory mentioned in the treaty formed part of the grant to David G. Burnet for the purpose of colonization, the colony was filled, or nearly so, prior to the declaration of the Consultation, and the committee was satisfied that the grant of the territory to Burnet for colonization many years after the settlement of the Indians on the soil, was sufficient evidence that no obligation was created which could be considered binding in favor of the Cherokees, or any other Indians. Finally, the committee reported the following resolution:

Resolved by the Senate of the Republic of Texas that they disapprove and utterly refuse to ratify the Treaty or any articles thereof concluded by Sam Houston and Jno. Forbes on the 23rd day of February, 1836, between the provisional Gov[ernmen]t of Texas of the one part, and the "Head Chiefs" Head men and warriors of the Cherokees on the other part. Inasmuch as that said treaty was based on premises that did not exist and that the operation of it would not only be detrimental to the interests of the Republic but would also be a violation of the vested right of many citizens, ...

Resolved that the President of this Republic be authorized and advised to appoint commissioners and furnish them with instructions such as he may deem most expedient to bring about friendly relations between the Comanches and this Republic; Provided that no fee simple right of soil be acknowledged by this Gov[ernmen]t in favor of those Indians.⁶⁸

On December 16 a resolution was adopted declaring null and void the treaty with the Cherokees, and no further attempt was made by Houston to secure ratification.⁶⁹

There was considerable unrest among the Indians in the East in the summer of 1838 at the time of the Cordova rebellion. There is an indication from the diary of Miracle referred to above that Bowl had foreknowledge of the plans of the Mexicans. He managed to hide his knowledge, however, and received assurances from Houston that the treaty was being observed by the Texans, and

⁶⁸*Secret Journals*, 75-79.

⁶⁹*Ibid.*, 100.

calling upon him to keep the treaty. Houston promised the immediate appointment of some one to run the boundary line between the white and Indian possessions, and on August 16, sent Bowl another letter promising that the white warriors would not hurt the Indians.⁷⁰ On August 18, after the dispersal of the rebels, Houston issued an order for mustering out the army, in which he urged the soldiers in falling back to respect the Indians and their property, avoiding injury to every species of property.⁷¹

The promises of Houston that the treaty would be observed and the boundary line run kept the Cherokees from taking active part with the Mexicans. Later, in the month of August, Rusk asked Bowl to influence the Shawnees, Kickapoos, Delawares, Kaosatis, and other friendly tribes to keep the peace. After the battle with the Kickapoos on October 16, Rusk complained to Bowl that a Cherokee had been found among the dead Kickapoos, which Bowl explained by saying he was a renegade Indian.⁷²

In the latter part of the summer of 1838 Houston appointed Alexander Horton to run the line between the Indian territory and that of the whites. On account of the opposition of the whites, and the quarrels among Horton's men, nothing was accomplished before the end of Houston's administration. A letter from Bowl to Horton on October 27, is interesting and enlightening as regards the relations of the whites and Indians at that time. He wrote:⁷³

Mr Horton Dear Sir I have accomplished my Desir in rasing my men for to guard and aid you while you are running the Line in so much I understand that some of the white people are against it which I am sorry to hear that, for we wish to do write ourselves, and we hoped that white people wanted to do the same as for your disputes among yourselves I have ordered my men to have nothing to do with it. My express orders is to my men is to guard you and your property from the enemy I hope that you will be particular with us in consequence of us not understanding your tongue and also we will pay that respect to you I hope you will let us know when you need us and where and I will be at your service I will detain Gayen till I get a line from you so as he may read our writing I have twenty-five volunteers to send to you so nothing more only your Friend
Bole.

⁷⁰Originals in *Lamar Papers*, Nos. 781, 782, 783, 784, 785, 786.

⁷¹*Ibid.*, 792.

⁷²*Lamar Papers*, Nos. 801, 839.

⁷³*Lamar Papers*, No. 855.

Early in December, just before his inauguration as President, Lamar received a long letter from Archibald Hotchkiss of Nacogdoches. It cannot be shown to have influenced Lamar in determining his course toward the Cherokees, but it was not calculated to change his belief that they had no real right to the soil which they occupied. After tracing in a general way the history of the Cherokees in Texas, Hotchkiss said:

In the year 1833 I became the agent of Burnet for the purpose of carrying out the terms set forth in his contract; to wit: to settle the land . . . a short time subsequent to my receiving this it became necessary for me to repair to the seat of Government for the purpose of transacting business for my [principal,] the principle object of which was to induce them to remove the Indians who had settled within [the bounds] of our grant, and by so doing had to a very great extent impeded the settling of the lands. [I received] assurances from the Government that they [would be removed] immediately; but that promise was not realized [on account] of the increased internal difficulties of the country.

In the early part of 1835 I entered into a correspondence with the Gov[ernment] of the State of Coahuila and Texas upon the subject of removing the Indians representing the extreme difficulty we had in obtaining colonists, who were willing to settle in the vicinity of such dangerous neighbors as the Cherokees had allways proved themselves to be in the United States; In answer to which the Governor informed me that he was very sensible of the difficulties under which I was laboring, but that the finances of the State were at such a state of exhaustion that it was extremely doubtful whether they would be able to do anything until the ensuing year, whereupon I offered upon behalf of my principals to advance the means necessary for removing if the Government would afford its countenance and authority for the undertaking, and the corresponding order was sent to the political chief of Nacogdoches for their removal forthwith sometime in the Spring of 1835 which order was never executed but suppressed at the instigation of designing men, the war of Independence which succeeded shortly after put an end to all further action upon this subject.⁷⁴ . . .

Lamar's message of December 21, 1838, with regard to the Indian, has been mentioned. Further notice at this point is necessary for an explanation of the attitude he assumed concerning the rights of the Cherokees to the lands they occupied. He said that the immigrant tribes had no legal or equitable claim to any portion of the territory of Texas; that their immigration to Texas

⁷⁴Hotchkiss to Lamar, December 5, 1838, *Lamar Papers*, No. 905.

had been unsolicited and unauthorized, and had always been a source of regret to the more enlightened population; that the Federal Government of Mexico neither conceded nor promised them lands or civil rights; that they came as intruders, and were positively forbidden to make any permanent abidance, and had continued in the country up to that time against the public wish and at the sacrifice of public tranquility. The offer made to bordering tribes in the colonization law of Coahuila and Texas contained precedent conditions which had in no wise been carried out. The pledge of the Consultation and the treaty drawn up under it had never been ratified, and, if it had been, the Indians had violated it time and again.⁷⁵

In the latter part of 1838 and early part of 1839 the Indians in the West were active, and the government made preparations to punish them. To keep the Indians in the East quiet, Lamar appointed Martin Lacy agent to the Cherokees, Shawnees, and other tribes. The special object of the appointment, said the instructions, was to cultivate and preserve the friendly relations existing between the frontier inhabitants of Texas and the "Cherokees, Shawnees, etc., which have emigrated from the United States to Texas, but whose claim to territory or even its occupancy has not yet been recognized, and is now a subject of grave deliberation on the part of the Texian Government." The Cherokees could not better evince their friendly intentions, he suggested, than by prohibiting intercourse with the hostile Indians.⁷⁶

On March 10, 1839, the Texan minister in Washington informed the government of the United States that the President of Texas was determined to act with great energy towards those Indians of the East who had been consistently hostile, and suggested that the United States take steps to restrain their Indians from assisting the kindred tribes in Texas. Before entering on a general war, however, Bowl, chief of the Cherokees, was allowed to visit the various chiefs and attempt to bring about an adjustment of the differences with them. Bowl reported that there was a sincere

⁷⁵*Lamar Papers*, No. 361; *Telegraph and Texas Register*, December 26, 1838.

⁷⁶Lamar to Martin Lacy, February 14, 1839, *Indian Affairs, 1831-1841*, Texas State Library.

desire on the part of the Indians to resume peaceful relations with the Texans.⁷⁷

This change in the attitude of the Indians was probably produced by the destruction of the party of Cordova, March 26, 1839. Cordova had been active in the rebellion at Nacogdoches in 1838, and was at the time of his defeat by Burleson probably on his way to Matamoras to get supplies for another outbreak similar to that of 1838. On March 26, 1839, he was discovered with a party of sixty or seventy Mexicans, Indians, and negroes, encamped at the foot of the Colorado Mountains. Colonel Burleson collected eighty men and started on his trail, overtaking him on the Guadalupe, where a battle was fought resulting in the defeat of the Cordova party with the loss of about thirty men. Cordova himself escaped, but this ended his efforts to stir up revolution in Texas.⁷⁸

Albert Sidney Johnston, Secretary of War, writing to Bowl on April 10, referred to this action, and said that the recent developments went to show incontestably that the Cherokees, or a part of them, the Delawares, Shawnees, Kickapoos, Caddoes, Wacoes, "Tewankanees," Bedies, and Kechies, about the time he was with them had entered into a compact with Cordova to carry on the war as soon as he should return from Matamoras. The assertion that Cordova had been driven off when he attempted to agitate a revolt, he said, was probably to gain time and to conceal the object of the journey to Matamoras.

The President grants peace to them but is not deceived. They will be permitted to cultivate undisturbed as long as they manifest by their forbearance from all aggressive acts and their friendly conduct the sincerity of their professions or until Congress shall adopt such measures in reference to them as in their wisdom they may deem proper. With a clear view of all matters connected with their feeling and interests It should not surprise the Cherokees to learn that such measures are in progress under the orders of the President as will render abortive any attempt to again disturb the quiet of the frontier nor need it be any cause of alarm to those who intend to act in good faith. All intercourse between the friendly indians & those at war with Texas must cease. The President directs that you will cause the contents of this communication to be made known to all the chiefs who were present at the council.⁷⁹

⁷⁷Thirty-second Cong., 2nd. sess., *Senate Documents*, No. 14, p. 20. A. S. Johnston to Bowl, April 10, 1839, *Lamar Papers*, No. 1188.

⁷⁸Yoakum, *History of Texas*, II, 261.

⁷⁹A. S. Johnston to Bowl, April 10, 1839, *Lamar Papers*, No. 1188.

Some time in April or early in May Major B. C. Waters was ordered to construct a military station on the Great Saline, which was in territory claimed by the Cherokees. Bowl mobilized his warriors and ordered Waters to leave, which he did, since he was not supported by a military force of his own large enough to resist the Indians. This naturally aroused the whites, particularly of the East. The San Augustine *Red Lander* called on the citizens to respond to the call of Major Waters for aid in carrying out the orders of the Secretary of War.⁸⁰ The *Telegraph and Texas Register* stated that there were constant complaints of Indian aggressions; that the Cherokees had been a source of trouble since 1836, and that they could not be tolerated longer in Texas.⁸¹

The action of Bowl called forth a stern letter from Lamar. He had learned with surprise, he said, that Bowl had compelled Major Waters to leave his post on the Great Saline. That officer was acting under the authority and orders of the government, and any attempt to interfere with him or to impede the execution of his duty could be regarded in no other light than as an outrage upon the sovereignty of Texas. "You assume to be acting under a Treaty negotiated at your village on the twenty-third day of February 1836 with commissioners appointed by the Provisional Government of Texas." No doubt there were those who would impress him with the belief that by virtue of that treaty the Cherokees had a right to maintain within the limits of the Republic an independent government bearing no responsibility to the whites as though they were a foreign nation. But the Texans had acquired their sovereignty by many rightful and glorious achievements, and would exercise it without division or community with other people. The Indians could never be permitted to exercise a sovereignty which would conflict with the rights of the Texans. He charged that Bowl was at the center of all conspiracies, and concluded with this ultimatum:

I therefore feel it my duty as the Chief Magistrate of this Republic to tell you in plain language of sincerity, that the Cherokees will never be permitted to establish a permanent and independent jurisdiction in the limits of this government—that the political and fee simple claims which they set up to our territory now occupied by them will never be allowed—and that they are permitted

⁸⁰Quoted in *Telegraph and Texas Register*, June 19, 1839.

⁸¹*Telegraph and Texas Register*, June 19, 1839.

at present to remain where they are only because this government is looking forward to the time when some peaceable arrangement can be made for their removal without the necessity of shedding blood; but that their final removal is contemplated is certain and that it will be effected is equally so. Whether it will be done by friendly negotiating, or by the violence of war, must depend on the Cherokees themselves.⁸²

Shortly before this, May 14, 1839, Manuel Flores, who had been active the year before in the Cordova rebellion, with a party of twenty-five marauders committed some murders between Seguin and Bexar. They were pursued by several Texans under Lieutenant James O. Rice, and were overtaken on the San Gabriel fifteen miles from Austin. In the battle which followed Flores and two others were killed and the others put to flight. On the body of Flores were found papers which convinced Lamar and his cabinet that the Cherokees were again in treasonable correspondence with the Mexicans. These documents were sent to the Secretary of War by Colonel Burleson on May 22, reaching him about the time of Lamar's letter to Bowl.⁸³

These papers consisted of letters addressed to Manuel Flores, Vicente Cordova, and to the friendly tribes of Texas, by the commandant general for the Eastern Interior States, Canalizo, who had succeeded Filisola. The letter to Flores, February 27, 1839, stated that it was impossible for the Federal Government to take any steps for the recovery of Texas on account of the war with France. It was possible, however, he said, that the Indians and loyal Mexicans could defend their homes by joining together against the Americans. They ought not to depend on flying invasions, but on operations of a more continuous character, causing perpetual alarm and inquietude to the enemy. To obtain these objects it was necessary "to burn their habitations, to lay waste their fields, and to prevent them from assembling in great numbers, by rapid and well-concerted movements, so as to draw their attention in every direction, and not offer to them any determinate object at which to strike."

Another letter was addressed by Canalizo to the chiefs of the tribes. As it was the principal basis for the claim that the Chero-

⁸²Lamar to Bowl, May 26, 1839, *Indian Affairs, 1831-1841*, Texas State Library.

⁸³Yoakum, *History of Texas*, II, 259.

kees and other tribes were plotting with the Mexicans for the extermination of the whites, it is given in full:

Don Manuel Flores, and the chiefs of the friendly tribes accompanying him, will make known to you my sentiments towards yourself and my friends, the Indians of your tribe; and also what you have to expect as regards your remaining in quiet possession of the land selected by you within the Mexican territory for settlement. And these individuals are informed in relation to what has to be done.

Have an understanding with said Flores in order that you may act in such a manner as to be secured in the peaceable possession of your lands, and to prevent any adventurer again destroying the repose of your families, or again treading the soil where repose the bones of your forefathers, and be careful not to deviate from his instructions.

Act under the full assurance of our generosity, of which we have given so many proofs, and that nothing can be expected of the greedy adventurers for land, who wish to deprive you even of the sun which warms and vivifies you, and who will not cease to envy you while the grass grows and the water flows.⁸⁴

This letter was addressed to Captain Ignacio of the Guapanagues; Captain Coloxe of the Caddoes; The Chief of the Seminoles; Big Mush, civil chief of the Cherokees; Captain Benito of the Kickapoos; Fama Sargento de los Brazos; Lieutenant-Colonel Bowl of the Cherokees.

On receipt of these papers Lamar decided to arrange for the immediate removal of the Cherokees from Texas, and sent the Vice-President, David G. Burnet, and the Secretary of War, A. S. Johnston, to negotiate with them. The commissioners were to offer to buy their produce and pay for their removal to the United States. At the same time he announced in a letter to the Shawnees the intention to expel the Cherokees, in a friendly manner if possible, but by force if they resisted, and warned the Shawnees to have nothing to do with the Cherokees or the Mexicans.⁸⁵

The commissioners reached the Cherokee village about the first of July and entered into negotiations with Bowl and Big Mush. Bowl acknowledged that they were intruders and had no legal

⁸⁴This correspondence was sent by the Texas State Department to the Texan minister at Washington, and presented by him to the American Secretary of State, June 29, 1839. It is published in 32 Congress, 2d session, *Senate Document*, No. 14, pp. 29-35.

⁸⁵Lamar to Linnee and other chiefs and headmen of the Shawnees, June 3, 1839, *Lamar Papers*, No. 1321.

rights to the soil they occupied. He agreed to return to Arkansas in return for payment for their improvements and transportation, but he delayed on one pretext after another putting his agreement in the form of a treaty, using the delay, it was supposed, to get his forces together preparatory to resist the Texans. Even up to the morning of July 15, Bowl assured Adjutant General McLeod that he was willing to abide by his agreement, but again asked for delay in signing the treaty. The Texan forces had assembled by that time, and wearying of the procrastination of the Cherokee chief, orders were given for the battle.

The council-ground was about five miles below the Indian camp. When the Texans arrived at the camp they found that the Indians had mobilized seven miles above. When the Texans approached their rendezvous they were fired on by the Indians, upon which the Texans attacked and drove the Indians from their position, killing a number. The next day they followed their retreating enemies, and in another battle completely defeated them, killing almost a hundred, among the dead being Bowl. The Indians continued their flight, pursued by the Texans, until the 25th, when the pursuit was given up. The main body of Cherokees reached their friends in Arkansas, and save for occasional marauding parties the Texans were free of them as neighbors permanently.⁸⁶

The Shawnees, to whom Lamar had sent a warning on June 3, decided to accept the offer of the Texan government to pay their transportation and to pay for all improvements, consequently the commissioners were able to sign a treaty with them, and they left peaceably for the United States.⁸⁷ The Coshattoes and Alabamas, who had accepted the proposal of the Congress of Coahuila and Texas in 1835, were removed to other lands in the Republic.

In his message to Congress on November 12, 1839, Lamar reviewed the whole Cherokee question up to their removal from Texas. He gave as his reasons for expelling them from Texas: (1) that they were immigrant tribes, asserting political rights; (2) that they were a most enlightened and most wily foe, and through their superior intelligence were able to control the wild Indians; (3) that they had committed atrocities on the inhabitants of Texas;

⁸⁶Report to Secretary of War, *Telegraph and Texas Register*, July 24 and August 14, 1839; Yoakum, *History of Texas*, II, 270.

⁸⁷*Indian Affairs, 1831-1841*, Texas State Library. Lamar's message to Congress, November 12, 1839, *Telegraph and Texas Register*, November 27, 1839.

and (4) that they had been in collusion with the Mexicans. He reviewed the efforts of commissioners to secure their friendly removal by agreeing to pay for the transportation of the women and children and for all improvements, but said that in the face of these offers they flew to arms. And finally he expressed it as his opinion that the proper course to pursue with all the barbarian race was expulsion or extermination.⁸⁵

The expulsion of the Cherokees was naturally not accomplished without serious criticism of Lamar, and an earnest defense by his contemporaries; and some historians have seen fit to claim that the action of Lamar was unjustified. It is perhaps not worth while to enter into the discussion of this question. The history of Texas in relation to the Indians is too similar to that of Georgia and other American States to require justification here. Lamar's instincts and training naturally led him to sympathize with the settlers as against the Indians. He was secretary to Governor Troup of Georgia while that State was attempting to extend her jurisdiction over the territory of the Creeks in response to a demand of the would-be settlers. And it may have been that he was too ready to listen to tales of conspiracies between the Mexicans and Indians. But sufficient evidence has been presented to prove that the Cherokees did not have any vested rights in the soil they occupied. The Mexican government might have been culpable for promising lands and then not giving them, but the Indians certainly understood that they had not secured title to the lands. The government of the Republic might have been culpable for using the promise of lands in return for a guarantee of neutrality during the War of Independence, but again the Indians knew that they had not secured title to the lands under the Republic.

The charge that the Cherokees were engaged in a conspiracy with the Mexicans is not important in this connection. The important question is as to whether or not sufficient evidence was presented to Lamar to justify his believing that they were so engaged. And this seems to be answered in the affirmative. The papers taken from the body of Miracle had shown him in consultation with Bowl before the Cordova rebellion in 1838, and Bowl must have known before hand of the proposed rebellion. The papers addressed by Canalizo to the Indian chiefs, including Bowl and Big Mush, while not proving any connection of the Cherokees with the

⁸⁵*Telegraph and Texas Register*, November 27, 1839.

proposed war, could be taken by Lamar in the light of the earlier documents as at least indicating some connection, especially as they came at a time when Bowl was ordering the military agent of the government out of his territory and mobilizing his warriors to prevent the building of a fort.

The whole problem comes back to whether or not the Indians should have been permitted to establish in Texas a government of their own, independent of the Texan government. A ratification of the treaty drawn up on February 23, 1836, under the Provisional Government would have guaranteed the perpetuation of such a government. It was inevitable that the whites should encroach on the Indians, and it was unlikely that a white population would have tolerated an independent Indian state within their borders. Lamar, therefore, acted legally and justly, and what is perhaps more important, logically, in forcing the withdrawal of the Cherokee Indians from Texas.

This story ends with the passage on February 1, 1840, of an act for sectionizing and selling the lands which had been occupied by the Cherokees.⁸⁹ The act made no provision for the settlers who had come into the territory since 1822, and because of this and the desire of many to locate claims in that region, there was bitter opposition to the passage of the bill. Houston, who was now a member of Congress, led the advocates of the bill, while the opposition was led by David S. Kaufman, Speaker of the House. The advocates of the measure claimed that the Cherokee lands did not come under the general land act, as they had been won from the Indians only in the preceding July, and that they actually belonged to the government for disposal as it saw fit. The opponents of the measure claimed that the lands had always belonged to the Republic, hence they should come under the terms of the general land act and be disposed of as other lands of the Republic. The argument that the sale of the lands would bring much needed revenue into the treasury overcame the objections of many who held that the Indians had no legal right to the land or of occupancy, and the measure became a law.

(To be continued.)

⁸⁹Gammel, *Laws of Texas*, II, 358.